

Appln. No. 09/939,267

Attorney Docket No. 10541-466

## II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

Claims 28-43 remain pending.

*Claim Rejections - 35 U.S.C. §103(a)*

Claims 28, 36, and 38-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,323,598B1 to Guthrie, et al. (Guthrie) in view of U.S. Patent 6,724,156B2 to Fregoso (Fregoso) and U.S. Patent 6,150,771 to Perry (Perry).

Claim 28 recites that the voltage converter adjusts for led failure in two modes, the first mode below a threshold temperature and a second mode below the threshold temperature. The first mode automatically increases a voltage across a parallel element of the plurality of parallel elements based on the current flow signal. The second mode reduces the current to the plurality of light emitting diodes as a function of the temperature signal.

"The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness." MPEP §2142. The Examiner has not provided factual support that the combination of operational modes provided in claim 28 would have been obvious at the time of the invention to a person of ordinary skill in the art. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest

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the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte, Clapp, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Inter. 1985).

The examiner contends that Guthrie teaches a system that adjusts the voltage across parallel elements based on a current flow signal and that Fregoso teaches adjusting the current based on temperature. However, the examiner has provided no factual support that one of ordinary skill in the art would have implemented as system that utilizes the first mode above a temperature threshold and the second method below the temperature threshold.

Claims 36 and 38-40 depend from claim 28 and are, therefore, patentable for at least the same reasons as given above with respect to claim 28.

Claims 29-35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Perry, Fregoso, and Guthrie as applied to claim 28 above, and further in view of U.S. Patent 5,598,068 to Surai (Surai).

Claims 29-35 depend from claim 28 and are, therefore, patentable for at least the reasons given above in support of claim 28.

Claim 37 was rejected under 35 U.S.C. §103(a) as being unpatentable over Guthrie and Fregoso, Perry as applied to claim 1 above, and further in view of U.S. Patent 6,362,578B1 to Swanson et al. (Swanson).

Swanson does not teach or suggest the elements noted above as missing from Guthrie and Fregoso. Claim 37 depends from claim 28 and is, therefore, patentable for at least the reasons given above in support of claim 28.

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Claim 41 was rejected under 35 U.S.C. §103(a) as being unpatentable over Guthrie, Fregoso and Swanson and further in view of U.S. Patent 6,075,595 to Malinen (Malinen).

Malinen does not teach or suggest the elements noted above as missing from Guthrie and Fregoso. Claim 41 depends from claim 28 and is, therefore, patentable for at least the reasons given above in support of claim 28.

Claim 42 was rejected under 35 U.S.C. §103(a) as being unpatentable over Guthrie, Fregoso, Perry and Swanson and further in view of U.S. Patent 5,555,583 to Berkcan (Berkcan).

Berkcan does not teach or suggest the elements noted above as missing from Guthrie and Fregoso. Claim 42 depends from claim 28 and is, therefore, patentable for at least the reasons given above in support of claim 28.

Claim 43 was rejected under 35 U.S.C. §103(a) as being unpatentable over Guthrie, Fregoso, Perry and Swanson as applied to claim 12 above, and further in view of U.S. Patent 5,712,922 to Loewenthal, et al. (Loewenthal).

Loewenthal does not teach or suggest the elements noted above as missing from Guthrie and Fregoso. Claim 42 depends from claim 28 and is, therefore, patentable for at least the reasons given above in support of claim 28.



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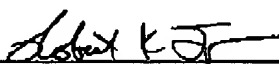
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*Conclusion*

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

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